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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,825

09/23/2003

Cary Annen

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35725

7590

08/11/2004

MEHRMAN LAW OFFICE, P.C.
ONE PREMIER PLAZA
5605 GLENRIDGE DRIVE, STE. 795
ATLANTA, GA 30342

EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,825

Applicant(s)

CARY ANNEN ET AL.

Examiner

Leslie J. Evanisko

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 9-11 and 26 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 8, 12-25, and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

EX-PARTE QUAYLE ACTION

1. This application is in condition for allowance except for the following formal matters:

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

3. The drawings are objected to because of the following informalities: Reference numeral **76** in Figure 5 appears to be designating the wrong piece of structure, since reference numeral **76** is described in the specification and shown in Figure 7 as illustrating the "eccentric housing" (see page 11, line 23).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because of the following informality: The term “licking clip” on page 20, line 10 appears to be a typographical error and should be replaced with --locking clip--. Correction is required. See MPEP § 608.01(b).

5. The disclosure is objected to because of the following informalities: The reference to the US application on page 6 appears to be missing some information. Additionally, the term “shoulder bolt **55**” on page 10, line 2

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should be deleted and replaced with --shoulder bolt **52**-- since that is how the shoulder bolt is illustrated in the figures and was previously defined on page 9, line 31.

Appropriate correction and/or clarification is required.

Claim Objections

6. Claims 8, 12-25, and 27 are objected to because of the following informalities:

With respect to claim 8, it appears that claim should actually depend upon claim 7 (rather than claim 4 as currently written) since the pawl referred to in the claim was previously recited in claim 7.

With respect to claim 12, the scope of the claim is somewhat confusing, particularly with respect to whether the print roll is intended to be a part of the claimed combination. In particular, the preamble is directed to a lock-up device per se and not the combination of the lock-up device and roll. However, the body of the claim recites several structural connections between structure of the lock-up device and the print roll. Note the several instances of language such as "affixed to the print roll" or "supported by the print roll". This structural connection implies the print roll is a necessary part of the claimed combination. Therefore, there is an inconsistency between the preamble and the body of the claim making it somewhat unclear as to what the scope of claims 12-16 is intended to be. It has been assumed by the Examiner that

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applicant is not intending for the roll to be a necessary structural element of claims 12-16, particularly since applicant recites the combination in claims 17-19. However, if this is the case, it is suggested that the claims be amended to use “configured to” or “adapted to” language to insure it is clear that the print roll is not part of the claimed combination.

With respect to claim 17, it is suggested that the term “a print carrier sheet” in line 4 be deleted and replaced with --the print carrier sheet-- since the print carrier sheet was previously recited. Note a similar change should be made to line 6 of claim 20 and line 3 of claim 27.

With respect to claim 18, it is suggested that the claim be rewritten to include language such as the following: --The print roll of claim 17, further comprising a longitudinal slot in the surface of the roll and wherein...-- to provide a positive recitation of the longitudinal slot. Note a similar change is also suggested for claim 21.

With respect to claim 23, the language “the lock-up device,” in line 3 is awkward and appears to be unnecessary.

Appropriate correction and/or clarification is required.

Allowable Subject Matter

7. Claims 1-7, 9-11, and 26 are allowed.

8. Claims 8, 12-25, and 27 are objected to for the reasons set forth above, but would be allowable if rewritten to overcome the above objections to the satisfaction of the Examiner.

9. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest a lock-up device (or method) for attaching a print carrier sheet to a cylindrical roll including all of the structure as recited, in combination with and particularly including, a rack and pinion gear mechanism configured to open and close a jaw to selectively tighten and loosen the print carrier sheet on the print roll.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andaloro (US 6,026,746) and Scott (US 2,953,090) each teach a printing cylinder including a tensioning lock up device having obvious similarities to the claimed subject matter.

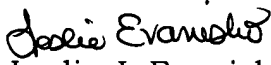
11. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
August 9, 2004